

87<sup>th</sup> Legislative Session – 2012

Committee: House Judiciary

Friday, February 24, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Abdallah  
E Boomgarden  
P Feinstein  
P Gibson  
P Hansen (Jon)  
P Killer  
P Kopp  
P Nelson (Stace)  
P Russell  
P Tornow  
P Turbiville  
P Gosch, Vice-Chair  
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Representative Roger Hunt.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 22, 2012

Moved by: Turbiville  
Second by: Gosch  
Action: Prevailed by voice vote.

SB 43: criminalize the failure to report the death or disappearance of a child within a specified time by certain persons responsible for the care of the child.

Hearing on this bill was continued from the meeting of Wednesday, February 15, 2012, at which time proponent and opponent testimony was presented.

MOTION: AMEND SB 43

43rb

On page 1 of the printed bill, delete lines 5 to 9, inclusive, and insert:

" Section 1. That chapter 22-11 be amended by adding thereto a NEW SECTION to read as follows:

Any parent or legal guardian who knowingly fails to notify law enforcement within forty-eight hours of learning that a child, in his or her care and less than thirteen years of age, is missing is guilty of a Class 6 felony.

Any caretaker who knowingly fails to notify law enforcement within forty-eight hours of learning that a child, in his or her care and less than thirteen years of age, is missing is guilty of a Class 1 misdemeanor."

Moved by: Tornow  
Second by: Hansen (Jon)  
Action: Was not acted on.

Chairman, Representative Hunt passed the gavel to Vice-Chair, Representative Gosch.

MOTION: SUBSTITUTE MOTION AMEND SB 43

43ra

On page 1, line 14, of the printed bill, after "felony." insert "This section does not apply to any health care provider or to any facility licensed pursuant to chapter 34-12."

Moved by: Turbiville  
Second by: Gibson  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 43 AS AMENDED

Moved by: Nelson (Stace)  
Second by: Kopp  
Action: Failed by roll call vote. (5-5-3-0)

Voting Yes: Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow

Voting No: Abdallah, Gibson, Killer, Turbiville, Gosch

Excused: Boomgarden, Feinstein, Hunt

MOTION: SUBSTITUTE MOTION AMEND SB 43

43re

On page 1, line 8, of the printed bill, delete "forty-eight" and insert "twelve".

Moved by: Nelson (Stace)

Second by: Tornow

Action: Failed by voice vote.

MOTION: SUBSTITUTE MOTION AMEND SB 43

43<sup>rd</sup>

On page 1, line 8, of the printed bill, delete "forty-eight" and insert "twenty-four".

Moved by: Hansen (Jon)

Second by: Nelson (Stace)

Action: Failed by roll call vote. (3-7-3-0)

Voting Yes: Hansen (Jon), Nelson (Stace), Tornow

Voting No: Abdallah, Gibson, Killer, Kopp, Russell, Turbiville, Gosch

Excused: Boomgarden, Feinstein, Hunt

MOTION: SUBSTITUTE MOTION AMEND SB 43

43rc

On page 1, line 8, of the printed bill, delete "forty-eight" and insert "thirty-six".

Moved by: Nelson (Stace)

Second by: Tornow  
Action: Failed by voice vote.

MOTION: DO PASS SB 43 AS AMENDED

Moved by: Abdallah  
Second by: Nelson (Stace)  
Action: Prevailed by roll call vote. (10-0-3-0)

Voting Yes: Abdallah, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch

Excused: Boomgarden, Feinstein, Hunt

SB 86: grant limited immunity from arrest and prosecution for certain alcohol consumption related offenses to persons who assist certain persons in need of emergency assistance or who are themselves in need of emergency assistance.

Proponents: Senator Larry Tidemann  
Mark York, SD State University Students' Association  
Mark Kreatzfeldt, Self, Madison  
Representative Nick Moser  
Representative Mark Kirkeby  
Carlos Beatty, Jr, Student Federation, Rapid City  
Teresa Johnson, University of SD Student Federation  
Steve Willard, Joint Fire Council

Opponents: Nancy Kueter, Self, Rapid City (Handouts: #1 & #2)  
Paul Bachand, SD State's Attorneys Association  
Mike Leidholt, Hughes County Sheriff  
Staci Eggert, SD Sheriff's Association  
Yvonne Taylor, SD Municipal League (Handouts: #3)

MOTION: DEFER SB 86 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Abdallah  
Second by: Nelson (Stace)  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 86

86rb

On page 1, line 5, of the Senate Judiciary Committee engrossed bill, delete "any" and insert "underage consumption or possession in".

On page 2, line 3, delete "any" and insert "underage consumption or possession in".

On page 2, line 4, delete "contacts" and insert "initiate contact with".

Moved by: Russell  
Second by: Tornow  
Action: Failed by roll call vote. (5-6-2-0)

Voting Yes: Gibson, Hansen (Jon), Killer, Russell, Tornow

Voting No: Abdallah, Kopp, Nelson (Stace), Turbiville, Gosch, Hunt

Excused: Boomgarden, Feinstein

MOTION: CALL THE QUESTION

Moved by: Turbiville  
Second by: Abdallah  
Action: Prevailed by voice vote.

THE MOTION TO DEFER SB 86 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Abdallah  
Second by: Nelson (Stace)  
Action: PREVAILED BY ROLL CALL VOTE. (8-3-2-0)

Voting Yes: Abdallah, Gibson, Hansen (Jon), Kopp, Nelson (Stace), Tornow, Gosch, Hunt

Voting No: Killer, Russell, Turbiville

Excused: Boomgarden, Feinstein

SB 141: revise the legal definition of the term, domestic abuse.

Proponents: Senator Deb Peters  
Dianna Miller, SD Network Against Family Violence and Sexual Assault

MOTION: DO PASS SB 141

Moved by: Gibson  
Second by: Killer  
Action: Failed by roll call vote. (5-4-4-0)

Voting Yes: Gibson, Hansen (Jon), Killer, Turbiville, Gosch

Voting No: Kopp, Nelson (Stace), Russell, Tornow

Excused: Abdallah, Boomgarden, Feinstein, Hunt

MOTION: DEFER SB 141 UNTIL MONDAY, FEBRUARY 27, 2012

Moved by: Gibson  
Second by: Turbiville  
Action: Failed by voice vote.

MOTION: TO TABLE SB 141

Moved by: Russell  
Second by: Tornow  
Action: Failed by roll call vote. (6-4-3-0)

Voting Yes: Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Gosch

Voting No: Abdallah, Gibson, Killer, Turbiville

Excused: Boomgarden, Feinstein, Hunt

MOTION: DO NOT PASS SB 141

Moved by: Hansen (Jon)  
Action: Died for lack of a second.

MOTION: DEFER SB 141 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Russell  
Second by: Tornow  
Action: Failed by roll call vote. (6-5-2-0)

Voting Yes: Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Gosch

Voting No: Abdallah, Feinstein, Gibson, Killer, Turbiville

Excused: Boomgarden, Hunt

MOTION: DO PASS SB 141

Moved by: Gibson

Action: Withdrawn.

THE CHAIR DEFERRED SB 141 UNTIL MONDAY, FEBRUARY 27, 2012

The gavel was returned to the Chair, Representative Hunt.

SB 10: revise certain provisions pertaining to boating while under the influence.

Proponents: Tony Leif, Department of Game, Fish and Parks  
Ken Meyer, Lake County State's Attorney, self  
Jeff Banks, Beadle County Deputy State's Attorney, self  
Shane Penfield, Self, Lemmon  
Staci Eggert, SD Sheriff's Association  
Paul Bachand, SD State's Attorneys Association

MOTION: DO PASS SB 10

Moved by: Gibson

Second by: Kopp

Action: Prevailed by roll call vote. (9-2-2-0)

Voting Yes: Abdallah, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Turbiville, Hunt

Voting No: Tornow, Gosch

Excused: Boomgarden, Feinstein

SB 91: allow officers of corporations to represent corporations in property tax appeals at the Office of Hearing Examiners.

Proponents: Senator Al Novstrup  
Tom Barnett, State Bar Association of South Dakota

MOTION: AMEND SB 91

91fc

On page 1 of the Senate engrossed bill, delete lines 6 to 9, inclusive, and insert:

"

After notice and unanimous vote of the shareholders, a shareholder of a subchapter S corporation that has ten or fewer shareholders, may represent the corporation during a property tax appeal, pursuant to chapter 10-11, to the Office of Hearing Examiners. The designated shareholder does not need to be a licensed attorney. In order to exercise this option, the corporation shall present to the Office of Hearing Examiners, the name and mailing address of each of the shareholders, proof of notice to the shareholders, and a copy of the minutes and motion or resolution reflecting the unanimous vote authorizing the designated shareholder to represent the corporation in the appeal."

Moved by: Gibson  
Second by: Nelson (Stace)  
Action: Prevailed by voice vote.

**MOTION:** DO PASS SB 91 AS AMENDED

Moved by: Gibson  
Second by: Nelson (Stace)  
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Abdallah, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Excused: Boomgarden, Feinstein

THE CHAIR DEFERRED SB 149 UNTIL MONDAY, FEBRUARY 27, 2012

**MOTION:** ADJOURN

Moved by: Nelson (Stace)  
Second by: Gosch  
Action: Prevailed by voice vote.

Bonnie Fischer  
Committee Secretary

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Roger W. Hunt, Chair



